

B176/1923

IN THE
CIRCUIT COURT NO. 2
OF
BALTIMORE CITY

CLAYTON CARTER,
Complainant,

vs.

MATTIE R. CARTER,
Respondent.

BILL OF COMPLAINT.

Mr. Clerk: Please file.

No 22695B
1

Charles W. Main
Solicitor for Complainant.

CHARLES W. MAIN
ATTORNEY AND COUNSELLOR AT LAW
LAW BUILDING
BALTIMORE, MD.

FILED 12 April 1923

CLAYTON CARTER, : IN THE
Complainant, :
 : CIRCUIT COURT NO.2
vs. :
 : OF
MATTIE R. CARTER, :
Respondent. : BALTIMORE CITY

TO, THE HONORABLE, THE JUDGE OF SAID COURT:-

The Complainant, Clayton Carter, respectfully represents to the Court as follows:-

FIRST: That the Complainant and the Respondent were married in the City of Baltimore, State of Maryland, on the 3rd day of October, 1909, by the Rev. Castle, a regularly ordained Minister of the Gospel of the Methodist Church.

SECOND: That both the Complainant and the Respondent are residents of the City of Baltimore, State of Maryland, and have resided in said City and State for more than two years last past.

THIRD: That no children were born to the union of the parties to this suit.

FOURTH: That on or about the 16th day of July, 1922, the Respondent, the said Mattie R. Carter, deserted and abandoned this Complainant without any just cause or provocation therefor and declared her intention to live with him no longer; that the Respondent has been guilty of the crime of adultery with one John in the City of Baltimore during the years 1921 and 1922, H. Gibson/and also with divers other men; that the Complainant has not lived nor cohabited with the Respondent, the said Mattie R. Carter, since he became aware of her misconduct, nor has he in any way forgiven or condoned her said adulterous acts.

WHEREFORE, the premises considered, this Complainant prays as follows:-

(a) That he may be divorced a vinculo matrimonii from the Respondent, the said Mattie R. Carter, his wife.

(b) That he may have such other and further relief as the Court may deem meet and proper and as the exigencies of his case may require.



566

Ct. Ct. No 2

$\frac{176}{1923}$ B Docket No. 32

Carter

vs.

Carter

1372 Remond Ave

Subpoena to Answer Bill of Complaint

Pm

No. 22695 B

2

Copy - copied

Filed 20 april, 1923

Charles W. Main
Solicitor.

17

Summons, and a copy of the Process, left with the defendant.
(Shonston) 4-19-23
Thos. F. McVally
Shuff.
Fees \$0.80

EQUITY SUBPOENA
The State of Maryland

To

Mattie R Carter

of Baltimore City Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you do within the time limited by law, beginning on the second Monday of *May*, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

Clayton Carter

against you exhibited in the CIRCUIT COURT No. 2 OF BALTIMORE CITY.

HEREOF fail not, as you will answer the contrary at your peril:

WITNESS, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the *12* day of *March*, 192 *3*

Issued the *12* day of *April*, in the year, 192 *3*

John Pleasants
Clerk.

MEMORANDUM:

You are required to file your Answer or other defence in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11.)

Ct. Ct. No. 2.

176
192 3

B

Docket. *3W*

Clayton Carter

vs.

Mattie Carter

Decree Pro Confesso

Exhib

No. 22695 B
3

Filed *Per June*

192 3

Circuit Court No. 2

[DECREE PRO CONFESSO.]

IN THE

Circuit Court No. 2

OF

BALTIMORE CITY

Clayton Carter
Plaintiff

vs.

Mattie Carter
Defendant

May Term 1923

The Defendant *Mattie Carter* having been duly summoned (notified by Order of Publication) to appear to the Bill of Complaint and having failed to appear thereto, according to the exigency of the writ ~~(said Order)~~ *of Subpoena*

It is thereupon this *2nd* day of *June* in the year nineteen hundred and *three* by the Circuit Court No. 2 of Baltimore City ADJUDGED ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the Bill of Complaint be and is hereby taken pro confesso against said defendant *Mattie Carter*

But because it doth not certainly appear to what relief the plaintiff is entitled, it is further ADJUDGED and ORDERED, that one of the Examiners of this Court, take testimony to support the allegations of the Bill.

Duke Bond

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I HEREBY CERTIFY, That on this day of 19....., before the subscriber, a of the State of Maryland, in and for Baltimore City, personally appeared the plaintiff in this action, and made oath in due form of law that the defendant is not in the military service of the United States.

Docket B. 176/1923

IN THE CIRCUIT COURT No. 2

CLAYTON CARTER

vs

MATTIE CARTER

DEPOSITIONS

No. 22695B
4

PLAINTIFF'S COSTS

Examiner	\$ 8.00
Copies	
Notices.....	
Sheriff	
Stenographer	3.00

\$ 11.00 Pd

DEFENDANT'S COSTS

Examiner	\$
Copies	
Notices.....	
Sheriff	
Stenographer	

\$

~~ALFRED J. CARR~~, Examiner

Filed 16 day of January 1924

28 January 1924

3/19/16

Clayton Carter
vs. ;

Mattie Carter

In the Circuit Court No 2
OF BALTIMORE CITY

A Decree Pro Confesso having passed, - - - - -
and-notice having been given me by the Solicitor for the Plaintiff
of a desire to take testimony in the same, I, ~~ALFRED DUBOIS~~ ^{George Arnold Frick} ~~CARR~~, one of the
Standing Examiners of the Circuit Courts of Baltimore City, under and by virtue
of an order of the above named Circuit Court, passed in said cause on the
second day of June 19 23, met on
the 12th day of June) in the year nineteen
hundred and twenty three at my office, in the City of Baltimore, in the State
of Maryland, and assigned the 13th day of June
in the same year at 3.30 o'clock in the after noon and the
office of the Examiner, in the City and State
aforesaid, as the time and place for such examination of witnesses in said cause;
at which last mentioned time and place I attended, due notice of such meeting
having been given, and proceeded in the presence, of the Solicitor of the
Plaintiff to take the following depositions, that
is to say:—

CLAYTON CARTER, produced as a witness in his own behalf,
being first duly sworn, deposes and saith as follows -
that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation.

A- Clayton Carter. I live at 807 North Carrollton Street.
I am foreman for the Ryan Construction Company.

2 Q- Do you know the parties to this suit?

A- Yes, sir. I am the plaintiff, and the defendant Mattie
Carter is my wife.

3 Q- How long have you known the defendant?

A- I have known the defendant about eighteen years.

BY MR. MAIN:

4 Q- State when, where and by whom you were married.

A- On October 2, 1901 in the City of Baltimore by the
Reverend Walter L. Castell, a duly ordained Minister
of the Methodist Church.

Note: Marriage Certificate and filed with the Examiner
Marked Plaintiff's Exhibit Examiner No. 1.

5 Q- Have you been a resident of Baltimore City, State of
Maryland for more than two years prior to the filing of
this suit?

A- Yes, I have lived here continuously for the past nine-
teen years.

6 Q- Is your wife a resident of the City of Baltimore?

Clayton Carter

6 A- She was born here and has live here all her life.

7 Q- Were any children born as a result of this marriage?

A- No.

8 Q- Are you living together now, and if not, which one left the other?

A- We are not living together. She left me on the 16th of July last year.

9 Q- What caused her to leave you?

A- I received information that she was untrue to me. I suspected John H. Gibson and everybody told me that hee had guilty relations with her.

10 Q- What happened on the 16th of July, 1922?

A- Thatnday was Sunday. I came home late Saturday night and slept late the next day. I was in bed when John Gibson came to the house about two o'clock. My wife, who had been up some time, went down stairs and let him in. They talked a while in the dining room and then went to the basement where our kitchen was. We were then living at 1034 N. Mount Street. I got up and listened to what they were saying. I heard him try to make a date with her for that night. He then said, "Let's not wait until night, let's do it now". He then asked her where Clayton was. She said that I was in bed. He asked whether I was asleep. She came up to see if I was asleep and caught me peeping at them. Then she ran

Clayton Carter

down the steps to the basement and I ran down behind her.

I said, "I have heard about this for more than two years and I wanted to catch you. Now you take her and get out."

11 Q- What did your wife say, if anything?

A- She did not say a word. She was dressed in very thin clothes and had on an apron and she opened the door and ran down the street so fast that I could scarcely see her, and she went to the house of her sister who lived four blocks away on Stricker Street.

12 Q- Have you seen or talked with your wife since she left you on the 16th day of July?

A- No, that was the last time that I have seen her and the last word words I said to her when she ran out of the door.

13 Q- But you talked to John Gibson?

A- Yes. He told me "For God's sake, don't let this get out. I will give you anything in the world if you will keep this quiet."

14 Q- What did you say to Gibson when he said he would give you anything in the world if you would keep that quiet?

A- I told him I did not want anything, that he had, that he was a dirty brute to take my wife and live with her.

15 Q- When did you first receive information that John Gibson was intimate with your wife?

Clayton Carter

15 A- A little over a year before that, some time in August, 1921.

16 Q- Have you lived or cohabited with your wife since you caught her with John Gibson on the 16th day of July, 1922?

A- No, I have not seen her nor talked with him, nor have I seen John Gibson or talked with him.

17 Q- Have you forgiven or condoned her offenses with Gibson?

A- No, sir.

18 Q- Do you know where your wife is living at the present time?

A- At 1372 Fremont Avenue, Baltimore City.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to the parties to this suit or either of them or that may be material to the subject of this your examination or the matters in question between the parties? If so, state the same fully and at large in your answer.

Answer:

Chas. E. Carter

RANDOLPH BOYD, a witness produced in behalf of the plaintiff, being first duly sworn, deposeth and saith as follows - that is to say -

BY THE EXAMINER:

1 Q- State your name, residence and occupation.

A- Randolph Boyd, 423 Lawrence Street, a laborer with the Ryan Construction Company.

2 Q- Do you know the parties to this suit?

A- Yes, sir, I know both of them.

3 Q- How long have you known them?

A- I have known his wife for about five years. I have known him for about eight or nine years.

BY MR. MAIN:

4 Q- Do you know whether or not they are husband and wife?

A- I do not know when they were married, but I do know that they have lived together as man and wife and were so called by the friends and acquaintances, and I have heard Mr. Carter introduce Mrs. Carter as his wife.

5 Q- Has Clayton Carter been a resident of Baltimore City for more than two years prior to the 12th day of April, 1923, when this bill of complaint was filed?

A- Yes. He has lived in Baltimore City ever since I have known him, more than eight years.

6 Q- Is Mrs. Carter a resident of Baltimore City, State of Maryland?

A- Yes, she has lived here ever since I have known her,

Randolph Boyd

about five years.

7 Q- Were any children born as a result of this marriage?

A- No, sir.

8 Q- Are Mr. and Mrs. Carter now living together, and if not, which one left the other?

A- No, she left him.

9 Q- Clayton Carter has charged his wife with the crime of adultery with one John H. Gibson and other men. State what you know if anything about those allegations.

A- During the year 1921, Clayton Carter worked in Philadelphia with me and sometimes I would come to Baltimore on Saturday and he would stay in Philadelphia, and he would give me money to take to his wife in Baltimore with me and when I would take the money up to his house I would always find John Gibson there.

10 Q- How did Clayton Carter treat his wife while they lived and cohabited together?

A- Just as good as a man could treat a woman. He provided for her and treated her well. I would bring her \$25.00 at a time and sometimes she would sent to Philadelphia for more money and he would send it to her.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to the parties to this suit or either of them or that may be material to the subject of this your examination or the matters in question between the parties? If so, state the same fully and at large in your answer.

Answer: *No*

R. R. O'Connell

SHELTON COLLINS, a witness produced on behalf of the Plaintiff, being duly sworn, deposeth and saith as follows that is to say-

BY THE EXAMINER:

1 Q- What is your name ?

A- My name is Shelton Collins.

2 Q- Where do you live ?

A- I live at 620 N. Eden street.

3 Q- Where do you work ?

A- I am a laborer for the Ryan Construction Company.

4 Q- Do you know Clayton Carter and his wife, Mattie Carter?

A- Yes. I have known Clayton Carter for more than 13 years and I have known him wife for about twelve years, and I know that they were married some time during the early part of October, 1909, but I do not know the name of the Preacher, and they lived together as man and wife until about the middle of last July.

BY MR MAIN:

5 Q- Do you mean July, 1922 ?

A- Yes.

6 Q- Has Clayton Carter been a resident of Baltimore City for more than two years last past ?

SheltonCollins

A- Yes, he has lived in Baltimore City continuously ever since I met him in 1909, and his wife, Mattie Carter, has lived in the State of Maryland and resided in Baltimore City during that period of time.

7 Q- Were any children born as a result of the marriage of Clayton Carter and Mattie Carter ?

A- No, they have no children.

8 Q- Are they living together now, and if not, which one left the other ?

A- No, they are not living together at the present time and Mrs. Carter left her husband about the middle of July, 1922.

9 Q- Clayton Carter has charged his wife with the crime of adultery with one John H. Gibson. State whether you know John H. Gibson and what you know about this charge of adultery against Mrs. Carter ?

A- The first I knew that Mrs. Carter was going with John Gibson was in the latter part of July or August 1921. At that time Clayton Carter was working in Philadelphia on a contract, and Mrs. Carter came over to my house, 810 N. Dallas street, and John Gibson was with her, and I asked her who he was and what she was doing with him, and she said he was her friend. They stayed about half an hour and then left.

Shelton Collins

10 Q- After Mrs. Carter's visit to your house, did you see her with Ginson again?

A- Yes, I went to her home nearly every Sunday during the month of August and September, 1921, and every time except once I found John Gibson in the house.

11 Q- During that period of time did you see Clayton Carter at his home?

A- Only about twice.

12 Q- Have you seen and talked with Mrs. Carter since Mr. Carter and she separated on the 16th day of July, 1922 ?

A- Yes sir, I have seen her frequently, and on a number of occasions she talked with me about her husband and about John Gibson.

13 Q- Have you seen her with John Gibson since the separation?

A- Yes sir, I have seen him with her twice, and on both occasions it was very late at night.

14 Q- When you talked with Mrs. Carter what did she say about her husband and John Gibson?

A- I asked her why she left her husband, and she said, "Because my husband caught John Gibson and me in the kitchen one Sunday morning and I was ashamed to stay there in the house with my husband any

Shelton Collins

longer", and I asked her how long she had been guilty of those relations with Gibson, and she said "Why, you ought to know, he was with me when I came to your house in 1921, and I have been going with him ever since", and I said to her, "Do you mean to say that you have not been with your husband since that time?", and she said "No, I have not had anything to do with any one but John Gibson, and when my husband caught us I knew that I could not live with him any longer."

15 Q- Where has Mrs. Carter lived since she left her husband?

A- She lives at 1372 N. Fremont Avenue.

16 Q- When was the last time you saw Mrs. Carter?

A- Last Friday night I was at her house on Fremont Avenue, and while I was there I asked her why she had not made up with her husband, and she said, "oh, I can't do that because it has been impossible for me to live with my husband since he caught Gibson and me that way in our home in July, 1922".

17 Q- Did Mrs. Carter say anything to you about her relations with Gibson since she deserted her husband?

A- Yes, she said she would like to have a divorce from her husband, but she knows she can not get one

Shelton Collins

because Gibson and she have been going together continually since the separation, and that she does not use her husband's name, but is known in the neighborhood as Mattie Rawlins.

18 Q- During the time you visited Mrs. Carter's home in August, September and part of October 1921, did you see any intimacy between her and John Gibson?

A- No, but from the way he was dressed when I would go there he appeared as if he was living in the house.

19 Q- Was that during the time that Clayton Carter was working in Philadelphia ?

A- Yes.

20 Q- After Clayton Carter returned from Philadelphia, did you visit his home ?

A- Yes, quite a number of times, but I did not see Gibson there at any time except one or two occasions when Clayton Carter was not at home.

21 Q- When Clayton Carter was at home and you visited his house, did you see Gibson there?

A- No sir, I did not, but I did see him there almost every time that I visited their home and Clayton Carter was out.

QUESTION BY THE EXAMINER:

Do you know or can you state any other matter or thing that may be of benefit or advantage to the parties to this suit or either of them or that may be material to the subject of this your examination or the matters in question between the parties? If so, state the same fully and at large in your answer.

Answer:

No. Shelton Coates

No other witnesses being named or produced before me, I then at the request of the solicitor of the Plaintiff closed the depositions taken in said cause, and now return them closed under my hand and seal on this 16th day of February in the year of our Lord nineteen hundred and twenty three at the City of Baltimore in the State of Maryland.

George Arnold Frick
Examiner. Seal

There ~~are~~ is one Exhibits with these depositions, to wit:
Plaintiff's Exhibit Examiner No. 1

Defendant's Exhibit

George Arnold Frick
Examiner.

George Arnold Frick
I, ~~ALFRED GARR~~, the Examiner before whom the foregoing depositions were taken, do hereby certify that I was employed in assigning a day, and taking the said depositions upon two days, on both of which I was employed by the plaintiff; and on none by the defendant.

George Arnold Frick
Examiner.



And Jacob served seven years for Rachel and they seemed unto him but a few days for the love he had to her. Gen. xxix. 20.

This Certifies

that *M. Clayton Carter* of *Baltimore, Md.*
Hildette Carter of *Baltimore, Md.*

Were united in **MARRIAGE** according to the

Ordinance of God, and the laws of *U. A. M. E. Church*
on the *Second* day of *October* in the year of
Our Lord 1908 at *East St. Baltimore, Md.*

Witnesses *Robert Carter*
Edna Carter

By *Rev. Walter L. Carter*
Minister of the Gospel.

From the beginning of the creation, God made them male and female, for this cause shall a man leave his father and mother and cleave unto his wife, and they twain shall be one flesh. Mark. x. 6, 7, 8.

Let. No 2 B¹¹⁶₁₉₂₃

Clayton Carter
vs.

Mattie Carter

PLAINTIFF EXHIBIT,
EXAMINER, No. 1

FILED WITH THE EXAMINER

13 June 1923

George Arnold Trick

No 22695 B

Id 16 February 1924

Ct. Ct. No. 2

1916 *B*
192 *B* DOCKET No. *B*

Clayton Carter

VS.

Mattie Carter

ORDER FOR APPEARANCE

No 22695 B

No. *22695 B*

Filed *18* day of *February*, 192 *4*

Dayton Carter

vs.

Mattie Carter

In the Circuit Court No. 2
of Baltimore City

..... TERM, 192

MR. CLERK:

PLEASE ENTER MY APPEARANCE FOR ~~DEFENSE~~ *complainant* T.

J. Stewart Davis

Solicitor.

Ct. Ct. No. 2

¹⁷⁶
192 ✓ *P* Docket No. *32*

Carter

vs.

Carter

**Order of Reference
and Report**

Robt

No. *22695 B*
7.8 ✓

Order Filed *28* day of *Sept* 192 ✓
Report Filed *31* day of *Nov* 192 ✓

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

Clayton Carter

VS.

Mattie P Carter

January Term, 192*4*

This case being submitted, without argument, it is ordered by the Court, this *28*

day of *February*, 192*4*, that the same be and is hereby referred to
Alexander H. Robertson, Esq., Auditor and Master, to report the
pleadings and the facts, and his opinion thereon.

Walter J. Daniels

Report of Auditor and Master

Bill filed by husband against wife for divorce a vinculo matrimonii on the
ground of adultery, Code Article 16, Section 36. Defendant summoned. No answer.
Decree pro confesso, thirty days elapsed. Proof shows marriage, residence and
adultery of the Defendant. Case ready for decree.

Alex Robertson

Auditor and Master.

The within is a proper decree to be

passed in this case.

Alton K. Robertson
Auditor and Master.

Circuit Court No. 2

B ¹⁷⁶ 192 ₃ No. 32 Docket

CLAYTON CARTER,

vs.

MATTIE R. CARTER,

DECREE OF DIVORCE

226 *OK* *R*

No. *22695B*

9
6 copies - copied

Filed *11 June*, 192*X*

DECREE OF DIVORCE.

IN THE

CLAYTON CARTER,

Circuit Court No. 2

vs.

OF

BALTIMORE CITY.

MATTIE R. CARTER,

MARCH *May* TERM, 1924.

This cause standing ready for hearing and being duly submitted, the proceedings were by the Court read and considered.

It is thereupon, this *eleventh* day of *June*, Anno Domini, one thousand nine hundred and *twenty-four* by the CIRCUIT COURT No. 2 OF BALTIMORE CITY, *Adjudged, Ordered and Decreed*, that the said CLAYTON CARTER,

the above named complainant be, and he is hereby DIVORCED A VINCULO MATRIMONII, from the defendant, MATTIE R. CARTER.

And it is further Ordered, that the said Plaintiff pay the cost of this proceeding.

Walter J. Dawkins

I, JOHN PLEASANTS, Clerk of the Circuit Court No. 2 of Baltimore City, do hereby certify that the above is a true copy of the decree taken from the record of proceedings in said cause.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, this _____ day of _____ 192